

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**JOHNATHAN LAMB, On Behalf of  
Himself and All Others Similarly Situated,**

*Plaintiffs,*

**V.**

**JEFF RUBY, JEFF RUBY CULINARY ENTERTAINMENT, INC., THE PRECINCT, INC., CARLO & JOHNNY'S, LTD., JEFF RUBY STEAKHOUSE, LLC, JEFF RUBY'S COLUMBUS, LLC, JEFF RUBY'S COLUMBUS HOLDINGS, LLC, JEFF RUBY'S STEAKHOUSE LEXINGTON, LLC, JEFF RUBY'S LOUISVILLE, LLC, and JEFF RUBY'S NASHVILLE, LLC, d/b/a JEFF RUBY CULINARY ENTERTAINMENT,**

***Defendants.***

## CLASS AND COLLECTIVE ACTION

**CASE NO. 1:24-cv-00097-DRC**

**JUDGE DOUGLAS R. COLE**

**MAGISTRATE JUDGE KAREN L.  
LITKOVITZ**

## JURY DEMAND

**JOINT MOTION TO DISMISS DEFENDANTS JEFF RUBY AND JEFF RUBY  
COLUMBUS HOLDINGS, LLC WITHOUT PREJUDICE**

The Parties jointly move this Court to dismiss Defendants Jeff Ruby and Jeff Ruby Columbus Holdings, LLC, without prejudice.

Defendants’ position is that Jeff Ruby is not an employer under the Fair Labor Standards Act (“FLSA”). Plaintiff contends that Jeff Ruby is an employer under the FLSA and that he employed Plaintiff, the Opt-In Plaintiffs in this action, and the potential Opt-In Plaintiffs. Rather than litigate this issue, the Parties have reached a Stipulation (Doc. No. 48) that certain of the entity Defendants in this action are a single enterprise and a single employer of Plaintiff, the Opt-In Plaintiffs, and the potential Opt-In Plaintiffs. As part of this Stipulation, the Parties have agreed to file this Motion and to seek the dismissal of Defendants Jeff Ruby and Jeff Ruby Columbus

Holdings, LLC, without prejudice. (Doc. No. 48).

Defendants and their counsel represent that Defendant Jeff Ruby's Columbus, LLC is the entity through which Defendants operated the Jeff Ruby's steakhouse in Columbus, Ohio, during the statutory period covered by this action. Defendants and their counsel represent that Defendant Jeff Ruby Columbus Holdings, LLC is not an employer entity, and therefore does not employ anyone. Based on these representations, Plaintiff joins this Motion with Defendants seeking to dismiss Defendant Jeff Ruby Columbus Holdings, LLC, without prejudice.

A proposed order granting this relief has been submitted herewith.

Date: August 20, 2024

Respectfully submitted,

/s/ David W. Garrison

**DAVID W. GARRISON (TN Bar No. 24968)\***

**JOSHUA A. FRANK (TN Bar No. 33294)\***

**NICOLE A. CHANIN (TN Bar No. 40239)\***

BARRETT JOHNSTON MARTIN & GARRISON, PLLC

200 31<sup>st</sup> Avenue North

Nashville, TN 37203

Telephone: (615) 244-2202

dgarrison@barrettjohnston.com

jfrank@barrettjohnston.com

nchanin@barrettjohnston.com

**Robert E. DeRose (OH Bar No. 0055214)**

BARKAN MEIZLISH DEROSE COX, LLP

4200 Regent Street, Suite 210

Columbus, OH 43219

Phone: (614) 221-4221

bderose@barkanmeizlish.com

*\*Admitted Pro Hac Vice*

*Attorneys for Plaintiffs*

/s/ Tessa L. Castner (with permission by DWG)

**NEAL SHAH (0082672)**

**TESSA L. CASTNER (0093808)**

FROST BROWN TODD LLP

3300 Great American Tower

301 East Fourth Street  
Cincinnati, Ohio 45202  
Phone: (513) 651-6800  
Fax: (513) 651-6981  
nshah@fbtlaw.com  
tcastner@fbtlaw.com  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Joint Motion to Dismiss Defendant Jeff Ruby Columbus Holdings, LLC Without Prejudice* was filed electronically with the Clerk's office by using the CM/ECF system and served via the Court's ECF system on the following counsel for Defendant as listed below on August 20, 2024:

**Neal Shah (0082672)**  
**Tessa L. Castner (0093808)**  
FROST BROWN TODD LLP  
3300 Great American Tower  
301 East Fourth Street  
Cincinnati, Ohio 45202  
Phone: (513) 651-6800  
Fax: (513) 651-6981  
nshah@fbtlaw.com  
tcastner@fbtlaw.com

*Attorneys for Defendant*

/s/ David W. Garrison  
DAVID W. GARRISON  
**BARRETT JOHNSTON**  
**MARTIN & GARRISON, PLLC**